IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.2312 OF 2007.
IN
FIRST APPEAL (ST) NO.8311 OF 2007.

National Insurance Co Ltd ...Applicants

Versus

Sou Mangal Baburao Salunkhe & Ors. ...Respondents

Shri S.D.Deshpande for the Applicant.
Shri Milind Deshmukh for the Respondent Nos.1 to 5.
Shri R.A.Alange for the Respondent Nos.6 & 8.

CORAM : ABHAY S.OKA, J.
DATED : 20th November, 2007.

P.C.:

1. Heard Advocates appearing for the parties. The learned Advocate for the Applicant states that the entire amount due and payable as per the impugned award has been deposited with the Tribunal.

2. It is stated that in the Memorandum of Appeal that the Applicant was granted leave under section 170 of the Motor Vehicles Act, 1988. The only challenge in the Appeal is to the quantum of compensation. The deceased was 22 years old M.Sc student. Taking his future income as Rs.10,000/- per month, total compensation of Rs.8 lakhs has been awarded to the Respondent Nos.1 to 5. Prima facie the amount of compensation granted is on the higher side.

3. Considering the facts and circumstances of the case, following order is passed:

(i) The Respondent Nos.1 and 2 are permitted to withdraw a sum of RS.3,50,000/- without security. The first and second Respondents are also permitted to withdraw a further amount of Rs.1,50,000/- on furnishing adequate security for the said amount to the satisfaction of the Tribunal.

(ii) The balance amount deposited by the Applicant shall be invested in the fixed deposit in any nationalised bank. The fixed deposit shall be renewed from time to time till the final disposal of the Appeal.

(iii) Hearing of the Appeal is expedited.

(iv) Civil Application is disposed of in above terms.

JUDGE